



August 30, 2005

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Portals II, Room TW-A325
Washington, DC 20554

EX PARTE NOTICE

Re: TracFone Wireless Petition for Forbearance,
Federal-State Joint Board on Universal Service, CC Docket No. 96-45

Dear Ms. Dortch:

On August 29, 2005, James Olson and I, on behalf of the United States Telecom Association (USTelecom) met with Richard Lerner, Assistant Chief of the Wireline Competition Bureau, Narda Jones, Chief of the Telecommunications Access Policy Division, Mark Seifert, Assistant Chief of the Telecommunications Access Policy Division, and Jeremy Marcus, Legal Counsel to the Chief of the Wireline Competition Bureau, and Carol Pomponio, Attorney in the Telecommunications Access Policy Division. The purpose of that meeting was to discuss the points made in USTelecom's August 26, 2005 filing in this docket.¹

USTelecom explained that if the Commission concludes that TracFone has met the requirements for forbearance (and it has not), the Commission must condition its grant of forbearance to limit the public interest harm that could flow from such a grant. Specifically:

1. The grant of forbearance must be limited to allowing TracFone to seek Eligible Telecommunications Carrier (ETC) status solely for the purpose of receiving Lifeline support.
2. TracFone must certify that it is offering E911 service to all customers and that all handsets are E911 capable.
3. TracFone must certify the Lifeline eligibility of all customers and certify that Lifeline support will be provided to only one phone (wireline or wireless) per household.
4. TracFone must fully address and mitigate the issues raised by this new and different method of providing Lifeline service in the separate proceedings whereby TracFone is seeking designation as an ETC.
5. A customer cannot use Lifeline-supported service until after TracFone has completed verification of the customer's Lifeline eligibility at TracFone corporate offices, including receipt of documentation of eligibility, and has obtained verbal confirmation

¹ Letter dated August 26, 2005 from Jeffrey S Lanning, Associate General Counsel, United States Telecom Association, to Marlene H. Dortch, Secretary, Federal Communications Commission, TracFone Wireless Petition for Forbearance, *Federal State Joint Board on Universal Service*, CC Docket No. 96-45.

- from the customer that his or her household is only receiving support on one line.
6. Lifeline support will not be disbursed to TracFone until *after* the Commission rules on TracFone's ETC petitions and after the Commission (and not TracFone) establishes rules that determine the appropriate and competitively neutral amount of support for the product on which Lifeline support is sought.
 7. Failure to abide by these conditions must result in revocation of ETC status.
 8. The Commission should also make clear that it will not grant additional, similar petitions until it has completed the rulemaking proceeding discussed immediately below.

Pursuant to Section 1.1206(b) of the Commission's rules, one copy of this electronic notice is being filed in the above-referenced docket.

Please call me if you have any questions.

Sincerely,



Jeffrey S Lanning
Associate General Counsel

cc: Richard Lerner
Narda Jones
Mark Seifert
Jeremy Marcus
Carol Pomponio